

RECEIVED  
JAN 25 1999  
H. B. NO. 908

FILED JAN 25 1999

H. B. No. 908

By

A BILL TO BE ENTITLED

AN ACT

relating to a requirement that certain licensed child-care facilities screen children for vision and hearing disorders.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.0431 to read as follows:

Sec. 42.0431. RULES FOR VISION AND HEARING SCREENING. (a)

The department by rule shall require each day-care center and group day-care home licensed under this chapter, as a condition of continued licensure, to screen for vision and hearing disorders children being provided care at the center or home.

(b) The rules must:

(1) specify the appropriate age or ages at which a child is required to be screened;

(2) specify the frequency of the required screening;

(3) avoid duplication of screening conducted by schools, preschools, and other entities; and

(4) require the results of the screening to be reported to the Texas Department of Health.

(c) This section does not apply to a day-care center or group day-care home operating under a certificate issued by the department under Subchapter E.

SECTION 2. The Department of Protective and Regulatory Services shall adopt the rules required by Section 42.0431, Human

1 Resources Code, as added by this Act, as soon as possible after the  
2 effective date of this Act. The rules may provide different dates  
3 by which different classes of day-care providers subject to the  
4 rules shall begin screening for vision and hearing disorders.

5 SECTION 3. The importance of this legislation and the  
6 crowded condition of the calendars in both houses create an  
7 emergency and an imperative public necessity that the  
8 constitutional rule requiring bills to be read on three several  
9 days in each house be suspended, and this rule is hereby suspended,  
10 and that this Act take effect and be in force from and after its  
11 passage, and it is so enacted.

# HOUSE COMMITTEE REPORT

1<sup>st</sup> Printing

By Coleman, Naishtat

H.B. No. 908

Substitute the following for H.B. No. 908:

By Coleman

C.S.H.B. No. 908

## A BILL TO BE ENTITLED

### AN ACT

relating to enforcement of screening requirements for vision, hearing, and other special senses and communication disorders of children in certain licensed child-care facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.0431 to read as follows:

Sec. 42.0431. ENFORCEMENT OF SCREENING REQUIREMENTS RELATING TO VISION, HEARING, AND OTHER SPECIAL SENSES AND COMMUNICATION DISORDERS. (a) The department, after consultation with the Texas Department of Health, shall adopt rules necessary to ensure that children receiving care at a day-care center or group day-care home licensed under this chapter are screened for vision, hearing, and any other special senses or communication disorders in compliance with rules adopted by the Texas Board of Health under Section 36.004, Health and Safety Code.

(b) Each day-care center or group day-care home licensed under this chapter shall maintain individual screening records for children attending the facility who are required to be screened, and the department may inspect those records at any reasonable time.

(c) This section does not apply to a day-care center or group day-care home operating under a certificate issued by the department under Subchapter E.

1           SECTION 2.   The Department of Protective and Regulatory  
2   Services shall adopt the rules required by Section 42.0431, Human  
3   Resources Code, as added by this Act, as soon as possible after the  
4   effective date of this Act.

5           SECTION 3.   The importance of this legislation and the  
6   crowded condition of the calendars in both houses create an  
7   emergency and an imperative public necessity that the  
8   constitutional rule requiring bills to be read on three several  
9   days in each house be suspended, and this rule is hereby suspended,  
10   and that this Act take effect and be in force from and after its  
11   passage, and it is so enacted.

COMMITTEE REPORT

The Honorable James E. "Pete" Laney  
Speaker of the House of Representatives

3/16/99  
(date)

Sir:

We, your COMMITTEE ON HUMAN SERVICES

to whom was referred HB 908 have had the same under consideration and beg to report back with the recommendation that it

- ( ) do pass, without amendment.
- ( ) do pass, with amendment(s).
- ☒ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- ☒ yes ( ) no A fiscal note was requested.
- ( ) yes ☒ no A criminal justice policy impact statement was requested.
- ( ) yes ☒ no An equalized educational funding impact statement was requested.
- ( ) yes ☒ no An actuarial analysis was requested.
- ( ) yes ☒ no A water development policy impact statement was requested.
- ( ) yes ☒ no A tax equity note was requested.
- ( ) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor \_\_\_\_\_

Joint Sponsors: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Co-Sponsors: \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Naishtat, Chair	X			
Maxey, Vice-chair	X			
Chavez	X			
Christian	X			
Davis, John				X
Noriega	X			
Telford				X
Truitt				X
Wohlgemuth	X			

Total

6 aye  
0 nay  
0 present, not voting  
3 absent

[Signature]  
CHAIR

## **BILL ANALYSIS**

Office of House Bill Analysis

C.S.H.B. 908  
By: Coleman  
Human Services  
3/18/1999  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The Special Senses and Communication Disorders Act, Chapter 36, Health and Safety Code, requires each day-care center and group day-care home (day-care facility) to screen each child for vision and hearing disorders no later than 120 days after admission of the child, to maintain screening records for each child in attendance, and to provide the Texas Department of Health (TDH) with an annual report listing the children in attendance and dates of screening for vision and hearing. However, according to TDH, in 1996-1997 only 2,186 of the 6,237 day-care centers and group day-care homes operating in Texas complied with the reporting requirement. C.S.H.B. 908 requires the Texas Department of Protective and Regulatory Services (DPRS) to adopt rules that ensure that children receiving care from a day-care facility are screened for vision, hearing, and any other special senses or communication disorders in compliance with the Special Senses and Communications Disorders Act. This bill further requires each day-care facility to maintain screening records and authorizes DPRS to inspect those records.

### **RULEMAKING AUTHORITY**

It is the opinion of the Office of House Bill Analysis that rulemaking authority is expressly delegated to the Texas Department of Protective and Regulatory Services in SECTION 1 (Section 42.0431, Human Resources Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter C, Chapter 42, Human Resources Code, by adding Section 42.0431, as follows:

Sec. 42.0431. ENFORCEMENT OF SCREENING REQUIREMENTS RELATING TO VISION, HEARING, AND OTHER SPECIAL SENSES AND COMMUNICATION DISORDERS. Requires the Texas Department of Protective and Regulatory Services (DPRS), after consultation with the Texas Department of Health (TDH), to adopt rules necessary to ensure that children receiving care at a day-care center or group day-care home (day care facility) licensed under this chapter (Regulation of Certain Facilities, Homes, and Agencies that Provide Child-Care Services) are screened for vision, hearing, and any other special senses or communication disorders in compliance with rules adopted by the Texas Board of Health under Section 36.004 (Screening Program for Special Senses and Communication Disorders), Health and Safety Code. Requires each day-care facility to maintain individual screening records for children attending the facility who are required to be screened. Authorizes DPRS to inspect the records at any reasonable time. Provides that this section does not apply to a day-care facility operating under a certificate issued by DPRS under Subchapter E (Accreditation of Child-Care Facilities and Child-Placing Agencies) of this chapter.

SECTION 2. Requires DPRS to adopt the rules required by Section 42.0431, Human Resources Code, as soon as possible after the effective date of this Act.

SECTION 3.           Emergency clause.  
                  Effective date: upon passage.

## **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute modifies the original, as follows:

SECTION 1. Changes the title of proposed Section 42.0431 from "RULES FOR VISION AND HEARING SCREENING" to "ENFORCEMENT OF SCREENING REQUIREMENTS RELATING TO VISION, HEARING, AND OTHER SPECIAL SENSES AND COMMUNICATION DISORDERS." Provides that the Department of Protective and Regulatory Services (DPRS) must consult with the Texas Department of Health (TDH) before adopting rules. Requires DPRS to adopt rules that ensure that certain children are screened, rather than requiring DPRS to specifically require that each day-care center and group day-care home (day-care facility), as a condition of continued licensure, ensure that children are screened. Adds any other special senses or communication disorders to those of vision and hearing which are required to be screened. Requires DPRS to adopt rules that comply with those adopted by the Texas Board of Health under Section 36.004, Health and Safety Code (Screening Program for Special Senses and Communication Disorders), rather than providing what the rules must do. Authorizes DPRS to inspect screening records maintained by day-care providers, rather than requiring that day-care providers report screening results to the TDH.

SECTION 2. Deletes provision authorizing the rules to provide different dates by which different classes of day-care providers are required to begin screening for vision and hearing disorders.

SUMMARY OF COMMITTEE ACTION

HB 908

February 23, 1999 2:00PM

Considered in public hearing

Testimony taken in committee

Committee substitute considered in committee

Left pending in committee

March 9, 1999 2:00PM

Considered in public hearing

Committee substitute considered in committee

Left pending in committee

March 16, 1999 2:00PM

Considered in public hearing

Committee substitute considered in committee

Reported favorably as substituted



WITNESS LIST

HB 908  
HOUSE COMMITTEE REPORT  
Human Services Committee

February 23, 1999 - 2:00PM

For: Barber, Elaine (Prevent Blindness Texas)  
Marr, John (Hear-Say)

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

March 18, 1999

**TO:** Honorable Elliott Naishtat, Chair, House Committee on Human Services

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** **HB908** by Coleman (Relating to a requirement that certain licensed child-care facilities screen children for vision and hearing disorders), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 530 Protective & Regulat Svcs, 501 Department of Health, 320 Texas Workforce Commission

**LBB Staff:** JK, TP, NM

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

February 22, 1999

**TO:** Honorable Elliott Naishtat, Chair, House Committee on Human Services

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HB908** by Coleman (Relating to a requirement that certain licensed child-care facilities screen children for vision and hearing disorders.), **As Introduced**

No significant fiscal implication to the State is anticipated.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 530 Protective & Regulat Svcs, 501 Department of Health, 320 Texas  
Workforce Commission

**LBB Staff:** JK, TP, NM

ADOPTED

APR 27 1999 as amended

Sharon Carter  
Chief Clerk  
House of Representatives

By Coleman

H.B. No. 908

Substitute the following for H.B. No. 908:

By Coleman

C.S. H.B. No. 908

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(b) Each day-care center or group day-care home licensed under this chapter shall maintain individual screening records for children attending the facility who are required to be screened, and the department may inspect those records at any reasonable time.

(c) This section does not apply to a day-care center or group day-care home operating under a certificate issued by the department under Subchapter E.

1           SECTION 2.   The Department of Protective and Regulatory  
2 Services shall adopt the rules required by Section 42.0431, Human  
3 Resources Code, as added by this Act, as soon as possible after the  
4 effective date of this Act.

5           SECTION 3.   The importance of this legislation and the  
6 crowded condition of the calendars in both houses create an  
7 emergency and an imperative public necessity that the  
8 constitutional rule requiring bills to be read on three several  
9 days in each house be suspended, and this rule is hereby suspended,  
10 and that this Act take effect and be in force from and after its  
11 passage, and it is so enacted.

LIST OF HOUSE AMENDMENTS CONSIDERED TODAY

HB908-Second Reading

<u>AMENDMENT#</u>	<u>AUTHOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
1	Swinford	Amendment	Adopted



ADOPTED

APR 27 1999

By *[Signature]*

*Sharon Carter*  
Chief Clerk  
House of Representatives

*[Signature]*  
Floor Amendment 1

Amend C.S.H.B. 908 as follows; on page 1 line 21 of the bill add the following sentence after the word "time". The department shall coordinate the monitoring inspections in compliance with protocol agreements adopted between the department and the Texas Department of Health pursuant to Section 42.0442.

ENGROSSED  
SECOND READING

By Coleman

H.B. No. 908

A BILL TO BE ENTITLED

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(b) Each day-care center or group day-care home licensed under this chapter shall maintain individual screening records for children attending the facility who are required to be screened, and the department may inspect those records at any reasonable time. The department shall coordinate the monitoring inspections in compliance with protocol agreements adopted between the department and the Texas Department of Health pursuant to Section 42.0442.



1           (c) This section does not apply to a day-care center or  
2           group day-care home operating under a certificate issued by the  
3           department under Subchapter E.

4           SECTION 2. The Department of Protective and Regulatory  
5           Services shall adopt the rules required by Section 42.0431, Human  
6           Resources Code, as added by this Act, as soon as possible after the  
7           effective date of this Act.

8           SECTION 3. The importance of this legislation and the  
9           crowded condition of the calendars in both houses create an  
10          emergency and an imperative public necessity that the  
11          constitutional rule requiring bills to be read on three several  
12          days in each house be suspended, and this rule is hereby suspended,  
13          and that this Act take effect and be in force from and after its  
14          passage, and it is so enacted.

# HOUSE ENGROSSMENT

By Coleman, Naishtat, et al.

H.B. No. 908

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(b) Each day-care center or group day-care home licensed under this chapter shall maintain individual screening records for children attending the facility who are required to be screened, and the department may inspect those records at any reasonable time. The department shall coordinate the monitoring inspections in compliance with protocol agreements adopted between the department and the Texas Department of Health pursuant to Section 42.0442.

1        (c) This section does not apply to a day-care center or  
2        group day-care home operating under a certificate issued by the  
3        department under Subchapter E.

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9        crowded condition of the calendars in both houses create an  
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14       passage, and it is so enacted.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

March 18, 1999

**TO:** Honorable Elliott Naishtat, Chair, House Committee on Human Services

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** HB908 by Coleman (Relating to a requirement that certain licensed child-care facilities screen children for vision and hearing disorders), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 530 Protective & Regulat Svcs, 501 Department of Health, 320 Texas Workforce Commission

**LBB Staff:** JK, TP, NM

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

February 22, 1999

**TO:** Honorable Elliott Naishtat, Chair, House Committee on Human Services

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** **HB908** by Coleman (Relating to a requirement that certain licensed child-care facilities screen children for vision and hearing disorders.), **As Introduced**

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**Source Agencies:** 530 Protective & Regulat Svcs, 501 Department of Health, 320 Texas  
Workforce Commission

**LBB Staff:** JK, TP, NM

1-1 By: Coleman, Naishtat, et al. H.B. No. 908  
1-2 (Senate Sponsor - Zaffirini)  
1-3 (In the Senate - Received from the House April 29, 1999;  
1-4 April 30, 1999, read first time and referred to Committee on Human  
1-5 Services; May 12, 1999, reported favorably by the following vote:  
1-6 Yeas 4, Nays 0; May 12, 1999, sent to printer.)

1-7 A BILL TO BE ENTITLED  
1-8 AN ACT

1-9 relating to enforcement of screening requirements for vision,  
1-10 hearing, and other special senses and communication disorders of  
1-11 children in certain licensed child-care facilities.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter C, Chapter 42, Human Resources Code,  
1-14 is amended by adding Section 42.0431 to read as follows:

1-15 Sec. 42.0431. ENFORCEMENT OF SCREENING REQUIREMENTS RELATING  
1-16 TO VISION, HEARING, AND OTHER SPECIAL SENSES AND COMMUNICATION  
1-17 DISORDERS. (a) The department, after consultation with the Texas  
1-18 Department of Health, shall adopt rules necessary to ensure that  
1-19 children receiving care at a day-care center or group day-care home  
1-20 licensed under this chapter are screened for vision, hearing, and  
1-21 any other special senses or communication disorders in compliance  
1-22 with rules adopted by the Texas Board of Health under Section  
1-23 36.004, Health and Safety Code.

1-24 (b) Each day-care center or group day-care home licensed  
1-25 under this chapter shall maintain individual screening records for  
1-26 children attending the facility who are required to be screened,  
1-27 and the department may inspect those records at any reasonable  
1-28 time. The department shall coordinate the monitoring inspections  
1-29 in compliance with protocol agreements adopted between the  
1-30 department and the Texas Department of Health pursuant to Section  
1-31 42.0442.

1-32 (c) This section does not apply to a day-care center or  
1-33 group day-care home operating under a certificate issued by the  
1-34 department under Subchapter E.

1-35 SECTION 2. The Department of Protective and Regulatory  
1-36 Services shall adopt the rules required by Section 42.0431, Human  
1-37 Resources Code, as added by this Act, as soon as possible after the  
1-38 effective date of this Act.

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1-40 crowded condition of the calendars in both houses create an  
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1-43 days in each house be suspended, and this rule is hereby suspended,  
1-44 and that this Act take effect and be in force from and after its  
1-45 passage, and it is so enacted.

1-46 \* \* \* \* \*

**FAVORABLE  
SENATE COMMITTEE REPORT ON**

SB SCR SJR SR HB HCR HJR 908  
By Coleman / Zaffirini  
(Author/Senate Sponsor)  
May 12, 1999  
(date)

Sir:

We, your Committee on HUMAN SERVICES, to which was referred the attached measure,  
have on May 12, 1999 (date of hearing), had the same under consideration and I am instructed to report it  
back with the recommendation (s) that it:

☒ do pass and be printed

☐ do pass and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Zaffirini, Chair	<input checked="" type="checkbox"/>			
Senator Carona, Vice-Chair	<input checked="" type="checkbox"/>			
Senator Bernsen	<input checked="" type="checkbox"/>			
Senator Gallegos			<input checked="" type="checkbox"/>	
Senator Harris	<input checked="" type="checkbox"/>			
TOTAL VOTES	4	0	1	0

**COMMITTEE ACTION**

S260 Considered in public hearing  
S270 Testimony taken

Scott Caffrey  
COMMITTEE CLERK

J. Carney  
CHAIR

WITNESS LIST

HB 908  
SENATE COMMITTEE REPORT  
Human Services Committee

May 12, 1999 - 7:00A

For: Ingram, Diane (Prevent Blindness Texas), Austin

Registering, but not testifying:

On: Brown, Elisah R. (Texas Department of Health), Austin

Marsh, Mark J. (Texas Department of Protective and Regulatory  
Services), Austin

Minette, Rose Aird (Texas Commission for the Deaf and Hard of  
Hearing), Austin



## **BILL ANALYSIS**

Senate Research Center

H.B. 908  
By: Coleman (Zaffirini)  
Human Services  
5/10/1999  
Engrossed

### **DIGEST**

Currently, the Special Senses and Communication Disorders Act, Chapter 36, Health and Safety Code, requires each day-care center and group day-care home to screen each child for vision and hearing disorders not later than 120 days after the admission of a child, to maintain screening records for each child in attendance, and to provide the Texas Department of Health (TDH) with an annual report which lists children in attendance, and dates of vision and hearing screenings. However, according to TDH, between 1996 and 1997, only 2,186 out of the 6,237 day-care centers and group day-care homes operating in Texas complied with the reporting requirement. H.B. 908 would enforce the screening requirements for vision, hearing, and other special senses and communication disorders of children in certain licensed child-care facilities.

### **PURPOSE**

As proposed, H.B. 908 enforces the screening requirements for vision, hearing, and other special senses and communication disorders of children in certain licensed child-care facilities.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas Department of Protective and Regulatory Services in SECTION 1(Section 42.0431(a), Chapter 42C, Human Resources Code) and SECTION 2 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 42C, Human Resources Code, by adding Section 42.0431, as follows:

Sec. 42.0431. ENFORCEMENT OF SCREENING REQUIREMENTS RELATING TO VISION, HEARING, AND OTHER SPECIAL SENSES AND COMMUNICATION DISORDERS. Requires the Texas Department of Protective and Regulatory Services (department), after consultation with the Texas Department of Health (TDH), to adopt rules necessary to ensure that children receiving care at a day-care center or group day-care home licensed under this chapter are screened for vision, hearing, and any other special senses or communication disorders in compliance with rules adopted by TDH under Section 36.004, Health and Safety Code. Requires each day-care center or group day-care home licensed under this chapter to maintain individual screening records for children attending the facility who are required to be screened, and the department may inspect those records at any reasonable time. Requires the department to coordinate the monitoring inspections in compliance with protocol agreements adopted between the department and TDH pursuant to Section 42.0442. Provides that this section does not apply to a day-care or group day-care center home operating under a certificate issued by the department under Subchapter E.

SECTION 2. Requires the department to adopt rules required by Section 42.0431, Human Resources Code, as added by this Act, as soon as possible after the effective date of this Act.

SECTION 3. Emergency clause.  
Effective date: upon passage.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

May 8, 1999

**TO:** Honorable Judith Zaffirini, Chair, Senate Committee on Human Services

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** **HB908** by Coleman (Relating to enforcement of screening requirements for vision, hearing, and other special senses and communication disorders of children in certain licensed child-care facilities.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 530 Protective & Regulat Svcs, 501 Department of Health, 320 Texas  
Workforce Commission

**LBB Staff:** JK, TP, NM

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

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**Source Agencies:** 530 Protective & Regulat Svcs, 501 Department of Health, 320 Texas  
Workforce Commission

**LBB Staff:** JK, TP, NM

## REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN  
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that HB 908, by: Coleman / Zaffirini,  
(Bill No.) (Author/Sponsor)  
was heard by the Senate Human Services Committee on May 12, 1999,  
and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

Scott Caffery

(Clerk of the reporting committee)

IMPORTANT: THE YELLOW COPY OF THIS FORM AND (1) COPY OF YOUR BILL OR RESOLUTION  
(COMMITTEE PRINTED VERSION) MUST BE DELIVERED TO THE ADMINISTRATION OFFICE,  
E1.714. DEADLINES FOR SUBMITTING BILLS WILL BE ANNOUNCED ON A REGULAR BASIS.

Committee Clerks: Original to Calendar Clerk. Pink copy for committee files. Green and yellow copies to bill author/sponsor.  
Author/Sponsor: Green copy for office files. Submit yellow copy to Administration with your bill.

# ENROLLED

H.B. No. 908

## AN ACT

relating to enforcement of screening requirements for vision, hearing, and other special senses and communication disorders of children in certain licensed child-care facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.0431 to read as follows:

Sec. 42.0431. ENFORCEMENT OF SCREENING REQUIREMENTS RELATING TO VISION, HEARING, AND OTHER SPECIAL SENSES AND COMMUNICATION DISORDERS. (a) The department, after consultation with the Texas Department of Health, shall adopt rules necessary to ensure that children receiving care at a day-care center or group day-care home licensed under this chapter are screened for vision, hearing, and any other special senses or communication disorders in compliance with rules adopted by the Texas Board of Health under Section 36.004, Health and Safety Code.

(b) Each day-care center or group day-care home licensed under this chapter shall maintain individual screening records for children attending the facility who are required to be screened, and the department may inspect those records at any reasonable time. The department shall coordinate the monitoring inspections in compliance with protocol agreements adopted between the department and the Texas Department of Health pursuant to Section 42.0442.

1        (c) This section does not apply to a day-care center or  
2        group day-care home operating under a certificate issued by the  
3        department under Subchapter E.

4                SECTION 2.    The Department of Protective and Regulatory  
5        Services shall adopt the rules required by Section 42.0431, Human  
6        Resources Code, as added by this Act, as soon as possible after the  
7        effective date of this Act.

8                SECTION 3.    The importance of this legislation and the  
9        crowded condition of the calendars in both houses create an  
10       emergency and an imperative public necessity that the  
11       constitutional rule requiring bills to be read on three several  
12       days in each house be suspended, and this rule is hereby suspended,  
13       and that this Act take effect and be in force from and after its  
14       passage, and it is so enacted.

H.B. No. 908

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President of the Senate

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Speaker of the House

I certify that H.B. No. 908 was passed by the House on April 28, 1999, by the following vote: Yeas 142, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 908 was passed by the Senate on May 20, 1999, by the following vote: Yeas 30, Nays 0.

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Secretary of the Senate

APPROVED:

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Date

---

Governor



\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 908<sup>(1)</sup> was passed by the House

on April 28<sup>(2)</sup>, 1999, by the following vote:

Yeas 142<sup>(3)</sup>, Nays 0, 1 present, not voting<sup>(4)</sup>.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 908<sup>(5)</sup> was passed by the Senate

on May 20<sup>(5)</sup>, 1999, by the following vote:

Yeas 30<sup>(6)</sup>, Nays 0<sup>(7)</sup>.

\_\_\_\_\_  
Secretary of the Senate

APPROVED:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

\*\*\*\* Preparation: CT24;

76TH LEGISLATURE

COAUTHOR AUTHORIZATION

(please request your coauthors to sign this form  
in lieu of the front or the back of the original bill)

For chief clerk use only

Bill or Resolution Number: HB 908

  
signature of primary author

Garnet F. Coleman  
printed name of primary author

3/3/99  
Date

PERMISSION TO SIGN HB 908 HAS BEEN GIVEN TO (check only one of the following):  
(bill or resolution #)

☒ ALL REPRESENTATIVES

☐ THE FOLLOWING REPRESENTATIVE(S): \_\_\_\_\_

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

<u>A2120 Alexander</u>	<u>          </u> Date	<u>A2600 Counts</u>	<u>          </u> Date	<u>A2795 Farabee</u>	<u>          </u> Date
<u>A2115 Allen</u>	<u>          </u> Date	<u>A2605 Crabb</u>	<u>          </u> Date	<u>A2810 Farrar</u>	<u>          </u> Date
<u>A2105 Alvarado</u>	<u>          </u> Date	<u>A2610 Craddick</u>	<u>          </u> Date	<u>A2840 Flores</u>	<u>          </u> Date
<u>A2135 Averitt</u>	<u>          </u> Date	<u>A2615 Crownover</u>	<u>          </u> Date	<u>A2920 Gallego</u>	<u>          </u> Date
<u>A2160 Bailey</u>	<u>          </u> Date	<u>A2645 Cuellar</u>	<u>          </u> Date	<u>A2930 Garcia</u>	<u>          </u> Date
<u>A2205 Berman</u>	<u>          </u> Date	<u>A2635 Culbertson</u>	<u>          </u> Date	<u>A2940 George</u>	<u>          </u> Date
<u>A2250 Bonnen</u>	<u>          </u> Date	<u>A2670 Danburg</u>	<u>          </u> Date	<u>A2935 Giddings</u>	<u>          </u> Date
<u>A2275 Bosse</u>	<u>          </u> Date	<u>A2620 Davis, John</u>	<u>          </u> Date	<u>A2880 Glaze</u>	<u>          </u> Date
<u>A2260 Brimer</u>	<u>          </u> Date	<u>A2625 Davis, Yvonne</u>	<u>          </u> Date	<u>A2985 Goodman</u>	<u>          </u> Date
<u>A2265 Brown, Betty</u>	<u>          </u> Date	<u>A2680 Delisi</u>	<u>          </u> Date	<u>A2990 Goolsby</u>	<u>          </u> Date
<u>A2270 Brown, Fred</u>	<u>          </u> Date	<u>A3385 Denny</u>	<u>          </u> Date	<u>A3005 Gray</u>	<u>          </u> Date
<u>A2255 Burnam</u>	<u>          </u> Date	<u>A2690 Deshotel</u>	<u>          </u> Date	<u>A3000 Green</u>	<u>          </u> Date
<u>A2300 Capelo</u>	<u>          </u> Date	<u>A2705 Driver</u>	<u>          </u> Date	<u>A3010 Greenberg</u>	<u>          </u> Date
<u>A2400 Carter</u>	<u>          </u> Date	<u>A2665 Dukes</u>	<u>          </u> Date	<u>A3020 Grusendorf</u>	<u>          </u> Date
<u>A2585 Chavez</u>	<u>          </u> Date	<u>A2660 Dunnam</u>	<u>          </u> Date	<u>A3030 Gutierrez</u>	<u>          </u> Date
<u>A2480 Chisum</u>	<u>          </u> Date	<u>A2650 Dutton</u>	<u>          </u> Date	<u>A3035 Haggerty</u>	<u>          </u> Date
<u>A2525 Christian</u>	<u>          </u> Date	<u>A2770 Edwards</u>	<u>          </u> Date	<u>A2695 Hamric</u>	<u>          </u> Date
<u>A2520 Clark</u>	<u>          </u> Date	<u>A2760 Ehrhardt</u>	<u>          </u> Date	<u>A3160 Hardcastle</u>	<u>          </u> Date
<u>A2435 Coleman</u>	<u>          </u> Date	<u>A2775 Eiland</u>	<u>          </u> Date	<u>A3170 Hartnett</u>	<u>          </u> Date
<u>A2565 Cook</u>	<u>          </u> Date	<u>A2785 Elkins</u>	<u>          </u> Date	<u>A3345 Hawley</u>	<u>          </u> Date
<u>A2595 Corte</u>	<u>          </u> Date	<u>A2790 Ellis, Dan</u>	<u>          </u> Date	<u>A3180 Heflin</u>	<u>          </u> Date

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Bill or Resolution Number: HB 908

A3310 Hilbert	Date	A3715 Madden	Date	A4435 Shields	Date
A3250 Hilderbran	Date	A3750 Marchant	Date	A4445 Siebert	Date
A3275 Hill	Date	A2700 Maxey	Date	A4525 Smith	Date
A3270 Hinojosa	Date	A3665 McCall	Date	A4530 Smithee	Date
A3305 Hochberg	Date	A3650 McClendon	Date	A4550 Solis, Jim	Date
A3290 Hodge	Date	A3845 McReynolds	Date	A4560 Solis, Juan	Date
A3325 Homer	Date	A3840 Merritt	Date	A4505 Solomons	Date
A3320 Hope	Date	A3855 Moreno, Joe	Date	A4515 Staples	Date
A3315 Howard	Date	A3860 Moreno, Paul	Date	A4570 Swinford	Date
A3355 Hunter	Date	A3870 Morrison	Date	A4585 Talton	Date
A3360 Hupp	Date	A3865 Mowery	Date	A4605 Telford	Date
A3375 Isett	Date	A3885 Naishtat	Date	A4630 Thompson	Date
A3415 Janek	Date	A3890 Najera	Date	A4635 Tillery	Date
A3410 Jones, Charles	Date	A3895 Nixon, Joe	Date	A4650 Truitt	Date
A3405 Jones, Delwin	Date	A3900 Noriega	Date	A2730 Turner, Bob	Date
A3400 Jones, Jesse	Date	A3880 Oliveira	Date	A4685 Turner, Sylvester	Date
A3440 Junell	Date	A3886 Olivo	Date	A4690 Uher	Date
A3475 Keel	Date	A4010 Palmer	Date	A4695 Uresti	Date
A3480 Keffer	Date	A4180 Pickett	Date	A4720 Van de Putte	Date
A3470 King, Phil	Date	A4185 Pitts	Date	A4990 Walker	Date
A3465 King, Tracy	Date	A4200 Puente	Date	A4995 West, George "Buddy"	Date
A3485 Krusee	Date	A4210 Ramsay	Date	A5035 Williams	Date
A3450 Kuempel	Date	A4240 Rangel	Date	A5000 Wilson	Date
A3510 Laney	Date	A4245 Reyna, Arthur	Date	A5020 Wise	Date
A3520 Lengefeld	Date	A4236 Reyna, Elvira	Date	A5015 Wohlgemuth	Date
A3605 Lewis, Glenn	Date	A4250 Ritter	Date	A4980 Wolens	Date
A3600 Lewis, Ron	Date	A4370 Sadler	Date	A5005 Woolley	Date
A3615 Longoria	Date	A4380 Salinas	Date	A5025 Yarbrough	Date
A3620 Luna, Vilma	Date	A4420 Seaman	Date	A5040 Zbranek	Date

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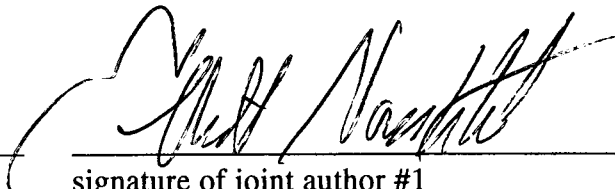
Bill or Resolution Number:

HB 908

### JOINT AUTHOR AUTHORIZATION

As primary author of HB 908 I hereby authorize the following joint author(s):  
(bill or resolution #)

Elliott Naughton  
printed name of joint author #1

  
signature of joint author #1

\_\_\_\_\_  
printed name of joint author #2

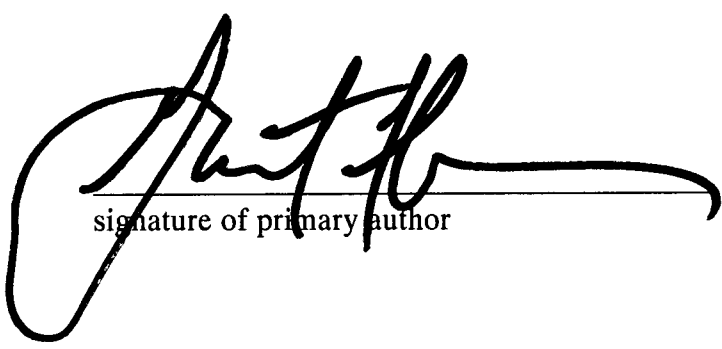
\_\_\_\_\_  
signature of joint author #2

\_\_\_\_\_  
printed name of joint author #3

\_\_\_\_\_  
signature of joint author #3

\_\_\_\_\_  
printed name of joint author #4

\_\_\_\_\_  
signature of joint author #4

  
signature of primary author

3/2/99  
date

A BILL TO BE ENTITLED  
AN ACT

Relating to a requirement that certain licensed child-care facilities screen children for vision and hearing disorders.

JAN 25 1999 Filed with the Chief Clerk

FEB 09 1999 Read first time and referred to Committee on Human Services

MAR 16 1999 Reported \_\_\_ favorably ~~(as amended)~~  
(as substituted)

MAR 25 1999 Sent to Committee on (Calendars)  
(~~Local Consent Calendars~~)

APR 27 1999 Read second time (comm. subst.) (amended); passed to third reading (~~failed~~) by a (non-record vote)  
(~~record vote of~~ \_\_\_ yeas, \_\_\_ nays, \_\_\_ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)  
by a vote of \_\_\_ yeas, \_\_\_ nays, \_\_\_ present, not voting

APR 28 1999 Read third time (~~amended~~); finally passed (~~failed to pass~~) by a (~~non-record vote~~)  
(record vote of 142 yeas, 0 nays, 1 present, not voting)

APR 29 1999 Engrossed

APR 29 1999 Sent to Senate

Sharon Carter

CHIEF CLERK OF THE HOUSE

## OTHER HOUSE ACTION:

APR 29 1999 Received from the House

APR 30 1999 Read and referred to Committee on HUMAN SERVICES

MAY 12 1999 Reported favorably \_\_\_\_\_

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

MAY 20 1999 Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)  
(\_\_\_ yeas, \_\_\_ nays)

MAY 20 1999 Read second time, \_\_\_\_\_, and passed to third reading by (unanimous consent)  
(a ~~viva voce~~ vote)  
(\_\_\_ yeas, \_\_\_ nays)

MAY 20 1999 Senate and Constitutional 3 Day Rules suspended by a vote of 30 yeas, 0 nays

MAY 20 1999 Read third time, \_\_\_\_\_, and passed by (~~a viva voce vote~~)  
(30 yeas, 0 nays)

May 20, 1999 Returned to the House

Betty King  
SECRETARY OF THE SENATE

## OTHER SENATE ACTION:

MAY 20 1999

Returned from the Senate (~~as substituted~~)  
(~~with amendments~~)

House concurred in Senate amendments by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee  
by a (non-record vote) (record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

House conferees appointed: \_\_\_\_\_, Chair; \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

Senate granted House request. Senate conferees appointed: \_\_\_\_\_, Chair;  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

Conference committee report adopted (rejected) by the House by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

Conference committee report adopted (rejected) by the Senate by a (viva voce vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays)